

District Court Update for BAMC – April 26, 2020

Good afternoon everyone. Late Friday, April 24, 2020 the Court of Appeals issued its *Amended Administrative Order Clarifying the Emergency Tolling of Suspension of Statutes of Limitations and Statutory and Rules Deadlines Related to the Initiation of Matters and Certain Statutory and Rules Deadlines in Pending Matters*.

I strongly encourage all practitioners to carefully review the order. The terms of the order apply to certain statutory and rules deadlines, both civil and criminal. The summary below is my personal interpretation.

To review the full text of the order please go to: <https://mdcourts.gov/sites/default/files/admin-orders/20200424clarifyingemergencytollingorsuspensionofstatutesoflimitationsamended.pdf>

All Orders, statewide and local, can be viewed online at: <https://mdcourts.gov/coronavirusorders>.

This update provides a summary of the order and is followed by important considerations as we move ahead to an eventual goal of reopening.

Summary

The April 24, 2020 order states the following:

- Statutory and rules deadlines related to the initiation of matters (including statutes of limitations) are:
 - tolled/suspended (as applicable) effective March 16, 2020
 - by the number of days courts are closed to the public*
 - there is no requirement to show good cause/inability to file/meet the deadline
- Statutes and rules deadlines to hear pending matters are:
 - tolled/suspended (as applicable) effective March 16, 2020
 - by the number of days courts are closed to the public*
- Further extensions will be included in an order terminating the emergency period
- Filings made during the emergency period will related back to the day before the deadline expired.

**The current order extends closure of the clerk's office through Friday June 5, 2020 - a total of 82 days as of that date.*

Reopening

The District Court's reopening will be governed by the Court of Appeals' order ending the emergency period. It is likely that the reopening will be phased by certain case type. This is important because of the statutory and rule calculations that are triggered by the clerk's office being "open" or "closed."

The court is working with BAMC leadership to gather and prioritize varying concerns, desires and priorities. There are many rule, statutory, constitutional and other legal considerations. These very important issues are juxtaposed with the equally important size, space, distance, and time capacity limitations in both the Rockville and Silver Spring court locations.

Throughout the emergency period the essential employees have processed non-emergency work as their schedules permit. We recognize that many filings have been held, pending reopening. We will do our best to timely and efficiently process new filings.

Building and courtroom operations will likely be significantly restricted upon reopening. The court will follow all applicable legal, executive, and public health orders and guidelines.

We anticipate a slower building entry process due to screening protocols and distancing requirements. All individuals entering either courthouse will be required to have a mask. Elevator capacity will be restricted in number of occupants per lift. Our clerk's and cashier's offices will also have limitations on the number of individuals who may enter at a given time.

We are hopeful that public health priorities support a gathering/crowd size of greater than 10. However, even at 20-30, each courtroom has significant capacity limitations.

Assuming the current, 6-foot social distancing requirement continues, our largest courtroom can accommodate 22 people seated in the gallery. All others are limited to 16 (Rockville) and 15 (Silver Spring).

We may have to limit the number of non-litigant/non-witness individual who are able enter a courtroom. Similarly, gatherings and spacing in the corridors will be required.

This may require different docket structures incorporating smaller, more frequent dockets. Cases may be time limited as feasible and appropriate. We are exploring other options using technology.

As progress is made, I will provide updates for your planning purposes. We are all very anxious to get back to our traditional courthouse lives. There is finite courtroom space and we cannot expect to plow through the work in a compressed time frame. Courthouse staff will continue to push forward in the most efficient and creative ways possible, consistent with the requirements published upon the end of the emergency period.

Thank you for your continued assistance and your ongoing cooperation.

Sincerely,
Patti Mitchell, Administrative Judge